

The Honorable Marsha J. Pechman

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CASCADE FRESH, INC., a Washington Corporation,)	
)	Civil Action No. 09-cv-1584-MJP
)	
Plaintiff,)	PERMANENT INJUNCTION AND
)	CONSENT JUDGMENT
v.)	
)	
)	
LIFEWAY FOODS, INC., an Illinois Corporation,)	
)	
Defendant.)	
)	

Pursuant to agreement, Defendant Lifeway Foods, Inc. having consented to the Final Judgment and Permanent Injunction set forth below, and good cause appearing,

IT IS HEREBY ORDERED that Final Judgment and Permanent Injunction be and hereby are entered against Defendant Lifeway Foods, Inc., as follows:

1. This Court has jurisdiction over the subject matter over this action, and has *in personam* jurisdiction over Defendant Lifeway Foods, Inc.

2. Lifeway Foods, Inc. acknowledges and agrees that Plaintiff's U.S. Trademark Registration No. 3,573,529 and mark GO WITH THE FLOW are valid, enforceable and owned by Cascade Fresh, Inc.

3. The parties have entered into a Settlement Agreement under which Defendant Lifeway Foods, Inc. has agreed to cease and refrain from all use of the phrase "GO WITH THE FLOW" or any other slogan, trademark, trade name, corporate or domain name that includes the phrase "GO WITH THE FLOW."

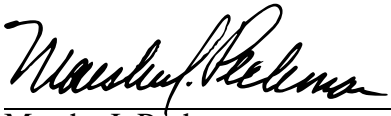
4. Effective ten (10) days after date of entry of this Judgment, Defendant Lifeway Foods, Inc., its officers, directors, employees, representatives, agents, servants, successors and assigns, and all persons, firms or corporations in active concert or participation with Defendant Lifeway Foods, Inc. are permanently restrained and enjoined from all manufacture, purchase, promotion, sale, and use of any products, packaging, advertising, labels, or other promotional, sales or shipping material incorporating the phrase "GO WITH THE FLOW", including retail web sites such as www.lifeway.net, and products, packaging, advertising, labels, or other sales or shipping material having or displaying the GO WITH THE FLOW mark or any other confusingly similar mark, and from otherwise using the mark GO WITH THE FLOW, or any mark, trade name, corporate or domain name that includes the words "GO WITH THE FLOW," in connection with the sale, distribution or promotion of any goods or services, including but not limited to such use on or in connection with dairy-based cultured beverages.

5. This Judgment shall be effective and enforceable to the fullest extent possible under the laws of the United States of America.

6. This Court shall retain jurisdiction of this action to enforce this Judgment and Permanent Injunction and the Settlement Agreement entered into between the parties.

7. All claims in the above-entitled lawsuit between Plaintiff and Defendant Lifeway Foods, Inc. are otherwise dismissed with prejudice. Each party shall bear its own costs, including attorneys' fees.

SO ORDERED this 31st day of March, 2009.


Marsha J. Pechman
United States District Judge

CONSENTED AND STIPULATED TO:

SEED IP Law Group PLLC

_____	_____
Date	Kevin S. Costanza, WSBA #25,153
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	Attorneys for Plaintiff CASCADE FRESH, INC.
	LIFEWAY FOODS, INC.
_____	By: _____
Date	Julie Smolyansky, President

1 **AGREED TO AS TO FORM:**

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11 LIFEWAY FOODS, INC.
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CERTIFICATE OF SERVICE

I hereby certify that on March 30, 2010 a copy of the foregoing **[PROPOSED]**
PERMANENT INJUNCTION AND CONSENT JUDGMENT was served on counsel who have
appeared in this action by electronic filing upon the following attorney registered to receive
service by email through the Western District of Washington Electronic Case Filing System:

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